

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAMILARE SONOIKI,

Plaintiff,

v.

HARVARD UNIVERSITY, HARVARD
UNIVERSITY BOARD OF OVERSEERS,
and THE PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendants.

Civil Action No. 1:19-cv-12172

**DECLARATION OF DAVID COHEN IN SUPPORT OF DEFENDANTS' MOTION TO
EXCLUDE TESTIMONY OF PLAINTIFF'S EXPERTS STEVEN D. SHEDLIN, CHAD
L. STALLER, AND STEPHEN M. DRIPPS**

I, David Cohen, declare:

1. I am counsel at the law firm of O'Melveny & Myers LLP, and I am one of the attorneys of record for Defendants Harvard University, Harvard University Board of Overseers, and the President and Fellows of Harvard College ("Harvard")¹ in this matter. I am licensed to practice law in the State of New York, and was admitted *pro hac vice* in this matter. I submit this declaration in support of Defendants' Motion to Exclude Testimony of Plaintiff's Experts Steven D. Shedlin, Chad L. Staller, and Stephen M. Dripps.

2. I have been involved in all aspects of this litigation. I am familiar with the facts set forth below and would be able to testify to them based on my personal knowledge or review of the records and files maintained by this firm in the regular course of its representation of Harvard in

¹ The Amended Complaint incorrectly identifies the Harvard entities as "Harvard University, Harvard University Board of Overseers, and the [sic] President and Fellows of Harvard College." President and Fellows of Harvard College is the legal entity for Harvard and is the only proper party to this litigation.

this case.

3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of the January 11, 2023 deposition of Plaintiff Damilare Sonoiki in this action. To date, the parties have agreed to treat all deposition transcripts as confidential under the Protective Order, and Exhibit A is filed under seal.

4. Attached hereto as Exhibit B is a true and correct copy of the document marked as Exhibit 2 during the January 11, 2023 deposition of Plaintiff in this action. It was produced produced by Plaintiff in the course of this litigation (SONOIKI 000900). Exhibit B is designated as “Confidential” under the Protective Order and is filed under seal.

5. Attached hereto as Exhibit C is a true and correct copy of the February 20, 2023 expert report of Steven D. Shedlin. Exhibit C references confidential and private information about Plaintiff and is filed under seal.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the transcript of the March 29, 2023 deposition of Steven D. Shedlin in this action. To date, the parties have agreed to treat all deposition transcripts as confidential under the Protective Order, and Exhibit D is filed under seal.

7. Attached hereto as Exhibit E is a true and correct copy of a February 9, 2023 article entitled “Hedge Fund Salary Guide” and published on the Wall Street Oasis website (<https://www.wallstreetoasis.com/resources/careers/salary/hedge-fund-pay-guide>).

8. Attached hereto as Exhibit F is a true and correct copy of the terms and conditions page from the Wall Street Oasis website (<https://www.wallstreetoasis.com/legal>), retrieved April 19, 2023.

9. Attached hereto as Exhibit G is a true and correct copy of the February 24, 2023

expert report of Chad L. Staller and Stephen M. Dripps. Exhibit G references confidential and private information about Plaintiff and is filed under seal.

10. Attached hereto as Exhibit H is a true and correct copy of excerpts from the transcript of the March 31, 2023 deposition of Chad L. Staller in this action. To date, the parties have agreed to treat all deposition transcripts as confidential under the Protective Order, and Exhibit H is filed under seal.

11. Attached hereto as Exhibit I is a true and correct copy of a September 27, 2019 email exchange between Plaintiff and his former agent, produced by Plaintiff in the course of this litigation (SONOIKI 000691). Exhibit I is designated as “Confidential” under the Protective Order and is filed under seal.

12. Attached hereto as Exhibit J is a true and correct copy of a May 2014 text message thread between Plaintiff and Betty, produced by Plaintiff in the course of this litigation (SONOIKI 000005). Exhibit J is designated as “Confidential” under the Protective Order. SONOIKI 000005 was not produced to Harvard with any redactions, but Exhibit J contains redactions and pseudonyms that were added by Harvard to protect FERPA information contained within it. Exhibit J is filed under seal.

13. Attached hereto as Exhibit K is a true and correct copy of excerpts from the transcript of the September 19, 2018 plea hearing in *United States v. Damilare Sonoiki*, No. 18-cr-368-1 (E.D. Pa.).

14. Attached hereto as Exhibit L is a true and correct copy of excerpts from the transcript of the July 29, 2021 sentencing hearing in *United States v. Damilare Sonoiki*, No. 18-cr-368-1 (E.D. Pa.).

15. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2023 in New York, New York.

/s/ David Cohen

David Cohen

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 19, 2023.

/s/ Anton Metlitsky
Anton Metlitsky